

REMARKS

Claims 3, 5, and 6 have been canceled. Amended claims 1, 2, 4, and 7-14 are in this application.

Claims 1-2, 4 and 7-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (U.S. Patent No. 5,799,081) in view of Benson (U.S. Patent No. 6,301,660 B1).

Amended independent claim 1 recites in part the following:

"A copyright licensing process promoting apparatus for promoting a copyright licensing process for literary work data desired to be transmitted from a first terminal unit of a first user to a second terminal unit of a second user via a communication network, comprising:

detecting means for accessing the first terminal unit of the first user by way of the communication network and for detecting at the first terminal unit a file of the literary work data to be transmitted from the first terminal unit to the communication network, said detecting means being operable to detect the file at the first terminal unit before the file is transmitted to the communication network;" (Emphasis added.)

In explaining the above 103 rejection with regard to claim 1, and as best understood, the Examiner appears to assert that Kim and, in particular, lines 1-4 of column 4 and lines 11-38 of column 8 thereof teach the detecting means of claim 1. It is respectfully submitted that the portions of Kim relied upon by the Examiner (hereinafter merely "Kim") do not disclose the detecting means as specifically set forth in amended claim 1. Accordingly, it is respectfully submitted that claim 1 as presented herein is distinguishable from the applied combination of Kim and Benson.

For reasons similar to those previously described with regard to claim 1, it is also respectfully submitted that amended independent claims 8, 9, 13, and 14 are also

distinguishable from the applied combination of Kim and Benson.

Claims 2, 4, 7, 10, 11, and 12, are dependent from one of independent claims 1 or 9. Accordingly, it is also respectfully submitted that dependent claims 2, 4, 7, 10, 11, and 12 are distinguishable from the applied combination of Kim and Benson for at least the reasons previously described.

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephones Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner may have.

If there are any charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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